

## Pendergast, Jim

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**From:** Peck, Gregory  
**Sent:** Tuesday, May 27, 2014 8:52 PM  
**To:** Best-Wong, Benita;Neugeboren, Steven  
**Subject:** Re: Cargill/Redwood City

A final decision on timing and process have not been made. (b)(5)

Gregory E. Peck  
Chief of Staff  
Office of Water  
USEPA  
Washington, DC. 20460

202-564-5700

Cc: Kopocis, Ken  
Subject: Cargill/Redwood City

Bob, Jared,

Here is the status of this JD by the Corps as I understand it. On Friday, ASA Darcy sent a memo to Gen Bostick at the Corps asking him to wait to finalize the JD until her office has undertaken a legal and policy review of the matter. We believe this at least temporarily defers our need to Special Case this matter during the pendency of the review. That Special Case memo was otherwise required by May 29th. We are in contact with the ASA's Counsel and will remain in contact during the review. Our current thinking is that to ensure that we retain authority to Special Case this matter later if necessary, we will send a memo to the Region and copy the DE indicating that we are deferring to the ASA's review at this time. We are coordinating now with OGC to make sure this approach preserves our rights. Happy to get the advice of Regional Counsel also. Will proceed with this approach unless Counsel advises otherwise or one of you has a concern. Thanks

Nancy

Cc: Ken